

**VERSIONS WITH MARKINGS TO SHOW CHANGES MADE**

3. (Amended) The communication device according to claim 1 [or claim 2], further comprising:

confirming means form confirming whether or not a communication partner has said cut-off frequency switching means, in advance of sending and receiving a communication data.

5. (Amended) The communication device according to [any of claims 1 through 4] claim 1, wherein the communication line is a telephone line, and said communication device is a modem.



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